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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Letter dated 1 December 1992 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a document containing guidelines for the drafting of an international environmental code which Uruguay is submitting as its contribution to the development of international environmental law and to the strengthening of the principles of the Rio Declaration, adopted at the United Nations Conference on Environment and Development held at Rio de Janeiro.

I should be grateful if you would have this letter and its annex distributed as an official document of the General Assembly under agenda item 79.

(Signed) Ramiro PIRIZ-BALLON
Ambassador
Permanent Representative of Uruguay
to the United Nations

ANNEX

Guidelines for a draft international environmental code

Preamble

The States signatories to this instrument,

CONCERNED for the life, health and quality of life of human kind,

NOTING the harmful and probably irreparable consequences of progressive environmental degradation for the preservation of these values,

CONSIDERING that the enjoyment of a healthy, balanced environment is a fundamental human right and the vital basis for all other rights,

RECOGNIZING the overall unity of the biosphere, a unique and indivisible ecosystem, and the consequent interdependence of all its component elements,

ACCEPTING that all subjects of law have an essential obligation to respect and preserve the environment, including the right to exist of all the living creatures which harmoniously make up the global ecological system,

RECOGNIZING intergenerational responsibility, solidarity and cooperation among the nations and peoples of the Earth as the only means of confronting environmental problems and as a prerequisite for survival,

BELIEVING that, accordingly, the foundations must be laid for individuals and States to behave ethically and ecologically towards the environment and that this must be done through the universal adoption of an international environmental code establishing the principles and norms which constitute such foundations,

HEREBY ADOPT the following guidelines, on which the above-mentioned code will have to be modeled:

CHAPTER I

Principles

1. The enjoyment of a healthy, balanced environment ensuring decent, adequate living conditions is a fundamental human right.

2. The biosphere is a unique and indivisible ecosystem, so that all its component elements are interdependent and its preservation is a common obligation of humankind.

3. All individuals, and all the political and legal organizations representing them, have an essential obligation to respect and preserve the environment, including the right to exist of all the living species which harmoniously make up the global ecosystem, without prejudice to their natural role in the food chain.

4. Present generations are responsible for the environment they will leave to future generations; this fact gives rise to the principles of intergenerational responsibility, solidarity and cooperation among all the nations and peoples of the Earth.

5. No State has the right to use, or to permit the use of, its territory in such a way as might cause damage by environmental pollution to the territory of another State or to persons or property within the jurisdiction of that State, or might harm the environment of areas beyond any national jurisdiction.

6. Each State has the duty to ensure that activities carried on within the limits of its jurisdiction, in accordance with a sound, appropriate environmental policy, are in conformity with the preceding article.

CHAPTER II

Definitions

(A definitions chapter will be inserted here, requiring that subsequent articles be renumbered.)

CHAPTER III

Rights and obligations of States

7. States have an obligation to preserve and protect the environment because of its intrinsic value, because it supports life and, therefore, because it is the basis of all society and of the law inherent therein.

8. States undertake to draft, negotiate and implement global norms and to use all means afforded them by international law to harmonize and coordinate the environmental standards in force in each case, in accordance with the latest scientific findings.

9. States undertake to adopt environmental policies in accordance with internationally established guidelines and to cooperate among themselves to the full extent of their material and financial possibilities.

10. States and their inhabitants have a right to use the natural resources situated within their territories rationally and without impairing ecosystems, in keeping with the goal of preservation of the global environment enunciated in this instrument and without prejudice to the development needs and objectives of each country.

11. States shall adjust their environmental policies to internationally accepted norms and, in particular, shall use all available means to prevent environmental damage by adopting appropriate sectoral policies that guarantee a healthy environment and sustainable development.

CHAPTER IV

International environmental cooperation

12. States shall standardize, coordinate and harmonize methods of establishing and measuring the environmental parameters, rules, statistics and directives to be used in environmental studies and research, and shall use common research and quantification techniques wherever possible.

13. States shall cooperate in preventing, controlling, reducing and eliminating pollution and the various forms of environmental degradation anywhere in the biosphere.

14. States shall exchange, as widely as possible, information on any technologies which, directly or indirectly, have a positive environmental impact and shall seek to increase the protection, conservation and enhancement of the environment.

15. States shall promote scientific research on environmental preservation as widely and in as great depth as possible and shall exchange the corresponding information, especially information on methods and results.

16. States undertake to render all possible assistance and cooperation in environmental emergencies in order to minimize the resulting damage and losses.

17. States also undertake to establish a system of norms and mechanisms designed to prevent environmental accidents and disasters and mitigate their effects, in accordance with the guidelines adopted by the Office of the United Nations Disaster Relief Coordinator.

CHAPTER V

Trade and natural resources

18. National and international trade activities shall be regulated in such a way that they do not cause environmental degradation or damage.

19. Trade in commodities shall be regulated in such a way that it does not jeopardize the sustainable use of renewable natural resources and the maximum conservation of non-renewable resources. Such regulation shall be neither protectionist nor discriminatory, nor shall it be a barrier to free trade.

CHAPTER VI

Environment and development

21. States undertake to incorporate from the outset in all development plans and projects assessments of the environmental impact at all levels and stages of execution, and to take the findings of those assessments into account in implementing such plans and projects.

22. The planet's material resources are the common vital basis of the human race and of life in general. Accordingly, States shall exploit the resources situated in their respective territories in accordance with the norms established by the international community, ensuring minimum environmental impact and optimum use of resources.

23. States undertake to ensure that their domestic legislation establishes norms no less strict or stringent than those applicable at the international level and to take into account, as a matter of priority, the right of indigenous peoples to natural resources.

24. In the context of sustainable human development, international free trade shall be guaranteed and shall be carried on in accordance with established norms, in order to ensure equitable access to and trade in natural resources for all peoples, guaranteeing fair prices for all products, whether commodities or manufactures.

CHAPTER VII

Provisions governing specific environmental sectors and natural resources

-A-

Land use and soil conservation

25. States declare the conservation of agricultural land to be a top priority. Accordingly, as a general rule, all ecosystems will have to be used according to their natural productive role, States being required to keep an up-to-date inventory and classification of their lands, in accordance with guidelines established by international agencies to be designated by the international community.

-B-

Preservation of biological diversity

26. States recognize the principle of the universality of the right to enjoy the genetic resources of the planet and undertake to do their utmost to ensure the conservation of such resources and their maximum natural biodiversity, guaranteeing the preservation of their diversity and their equitable use by the peoples where they are to be found, in the common interest of all humankind.

27. To that end, States shall afford maximum protection to the fauna and flora of the Earth and shall take appropriate steps to preserve species and their habitats.

28. The necessary creation of protected areas such as sanctuaries, reserves, national parks, etc., with their corresponding safeguard and other zones, shall not preclude the rational use of all ecosystems in keeping with their natural role and with the norms of sustainable development established above.

29. No species shall be exploited in such a way as to put it at risk of extinction. The use of wild or domestic animals, especially for experimental or scientific purposes, shall be regulated by a special code.

-C-

Plant cover

30. The conservation and protection of the Earth's plant cover are declared an absolute priority for humankind. All practices that destroy such cover are therefore prohibited.

31. Forests shall be exploited in a manner that is consistent with the concept of sustainability and does not impair their ecological functions.

32. States undertake to make every effort to safeguard the planet's remaining forests, in order to prevent any kind of over-exploitation of this vital resource and within the framework of the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests.

-D-

Coasts, coastal areas and fishing

33. States undertake to protect their coasts and to make every effort to ensure sound technical and administrative management of their coastal areas as a single ecosystem with a specific interface, protecting their shores and avoiding the construction of coastal roads or other kinds of civil engineering

works where these are not strictly necessary for healthy purposes or for other purposes with high social priority.

34. Fishing in all waters, whether the ocean, sea or inland waters of each State, shall be protected in such a way as to ensure conservation of this resource and ecological balance. Special protection shall be provided for fish spawning areas and coastal wetlands and mangrove swamps.

35. Over-fishing, trawl fishing in coastal waters and the use of methods or tackle for massive or indiscriminate fishing, for instance, the use of poisons or explosives of any kind, must absolutely be avoided.

36. States undertake strictly to enforce closed seasons and shall prohibit all commercial fishing or fishing for sport in spawning areas, as well as fishing for certain species whose populations are in decline, when such fishing would threaten their survival, or fishing for individual fish according to their size, all of which shall be regulated by a special convention.

-E-

Seas and hydrographic basins

37. States undertake to do their utmost to protect seas and oceans from any kind of pollution, especially pollution by radioactive wastes.

38. All dumping of toxic or radioactive substances in seas or oceans is expressly prohibited. Violation of this rule shall constitute a crime.

39. The dumping of any kind of waste is prohibited, unless such waste has been treated to render it safe for the marine life of seas and oceans. States undertake to treat the waste water from any city or manufacturing centre, in order to ensure that its level of purity when it enters the final receiving body of water is ecologically acceptable. This policy shall be applied in all sectors capable of causing land-based pollution of the seas.

40. Any deliberate discharge of oil or other products harmful to the marine environment may come to be considered a criminal act.

41. The principles laid down for seas and oceans also apply to any kind of inland waters, whether running, such as those belonging to hydrographic basins, or still, such as lakes and pools in general.

42. Where hydrographic basins are divided politically among two or more States, multinational management bodies shall be created, with the participation of all the joint owners, to administer the basin, under the authority of the States concerned.

-F-

Wetlands and fresh waters

43. States undertake to preserve their coastal wetlands or swamplands and, unless circumstances dictate otherwise, all wetlands and swamplands within their national territory, which may be drained or modified only if they have been proved to seriously endanger the health of the population.

44. States undertake to protect inland fresh waters from any kind of pollution and to avoid the misuse of such waters, which must be utilized and managed rationally as one of the planet's most vital scarce resources.

-G-

Atmosphere

45. States undertake to avoid atmospheric pollution wherever possible by reducing to a minimum the emission of any kind of harmful gases.

-H-

Energy

46. States shall promote the establishment of an agency for energy efficiency and renewable sources of energy, which shall be responsible for developing renewable sources of energy and clean, efficient technologies, in order to reduce the environmental impact to a minimum and develop the economy and the energy independence of all countries.

47. States undertake to conduct scientific and technological research to the fullest extent possible, in order to ensure absolute safety in the handling of nuclear energy before promoting its peaceful use.

48. Geographical areas of exceptional ecological, biological or aesthetic value, structural rarity or vulnerability to human activity shall be subject to special regimes, which may go so far as prohibiting in such areas any economic or other activity which may affect them, as well as restricting access to them without express, justified authorization.

-I-

Waste

49. States shall establish waste-management mechanisms in order to minimize the need for waste disposal. Waste shall be treated at source and managed in an environmentally sound manner.

50. The export of toxic and radioactive wastes shall be strictly regulated and the receiving State must in all cases be informed and have the proper means both for its treatment and recycling and for its environmentally safe storage.

51. States shall ensure by appropriate means that waste produced as a result of any activity, economic or otherwise, is recycled to the maximum extent technologically possible before its final disposal, which should take place after ensuring that the end-product is biodegradable.

-J-

Climate

52. States shall protect the climate system for the benefit of present and future generations, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capacities. States which are developed countries shall therefore take the initiative in combating climate change and its adverse effects.

53. States shall take precautionary measures to anticipate, prevent or reduce the causes of climate change and to mitigate its adverse effects.

CHAPTER VIII

Transboundary pollution

54. Every State has the duty to ensure that activities carried on within the limits of its jurisdiction, in accordance with an appropriate, sound environmental policy and with the provisions of this instrument, will not cause pollution or environmental degradation.

55. As part of their obligation to preserve the global biospheric ecosystem, States shall neither use nor permit the use of their territories in such a way as might cause damage, through pollution or any other kind of environmental degradation, to the territory of another State or to persons in that State.

56. States shall cooperate in preventing, controlling, reducing and eliminating pollution or any other kind of environmental degradation by adopting appropriate rules and directives, and shall take any other action that may be necessary to that end, on the basis of equality, reciprocity and the common good.

57. Before granting any authorization to conduct activities that may have a significant impact on the environment, such as the construction of civil engineering works and factories or power plants, States shall require exhaustive environmental impact assessments to be made with the participation of representatives of the national or transboundary populations who might be affected by such activities.

58. In the case of shared resources, States undertake to establish management systems compatible with the basic unity of the ecosystem in question and with the rights of the joint owners, ensuring that the resources are used, according to their nature, in the manner which is best and most equitable from both the environmental and the economic standpoints.

59. Reparation for damage caused by transboundary pollution shall be made by the State in whose territory the incident which caused the damage occurred, but shall not preclude the possible liability of the individuals or legal entities directly responsible for the damage, or any liability that may be incurred inside the State's borders.

60. The liability of States for transboundary pollution and damage shall be assigned absolutely and objectively, and actual fault shall not be a requirement.

CHAPTER IX

Public disclosure

61. States undertake to report annually on the environmental policy they have applied and on their compliance with the obligations established in this instrument and in specialized conventions on the matter, and to permit investigation and monitoring of the environmental situation in their territories by competent international agencies.

62. States shall make the broadest and fullest possible disclosure of the environmental situation and any changes therein, both to their own population and to other States and the international community as a whole, and each State shall facilitate the participation of non-governmental environmental organizations in all stages of the environmental policy process and the technological process.

CHAPTER X

Education, research and technology transfer

63. States shall do their utmost to promote curricular and extracurricular environmental education and shall establish environmental education programmes at all levels: primary, secondary, higher, vocational and crafts and trades education and teacher training.

64. There shall be the closest possible international cooperation on environmental education and training.

65. The highest priority shall be given to the conduct of scientific and technological research based on a strategy of clean production and sustainable development, making maximum use wherever possible of the traditional

technologies of indigenous peoples and the empirical knowledge amassed locally by all the peoples of the Earth.

66. Scientific and technological research shall focus on the search for technologies which do not cause environmental degradation and have no adverse ecological, social or economic side-effects, avoiding, inter alia, over-consumption of energy, water or other renewable or non-renewable resources. Preference shall be given, especially in developing countries, to the development of technologies which, in keeping with rational criteria, are more labour-intensive.

67. The transfer of non-polluting, environmentally safe technologies shall be encouraged, but the acceptance of any new technology should be conditional on the viability of the ecosystems in question and the technology should benefit the communities in which it is to be used.

CHAPTER XI

Civil and criminal liability

68. Any violation of the norms established in this instrument shall give rise to the administrative liability, civil or criminal as the case may be, of its material authors, from whom the State in whose territory the illicit act took place may demand repayment if it has had to assume responsibility for any related compensation or reparations.

69. Crimes, delicts and violations shall be expressly characterized as such, in writing and in advance, in accordance with generally accepted legal principles.

70. Criminal illicit acts shall be prosecuted ex officio and shall involve wilful and culpable conduct, action and omission and harm and risk; in some particularly serious cases, the penalty imposed on those responsible shall expressly be deprivation of liberty.

CHAPTER XII

Settlement of disputes

71. International environmental courts shall be established at the regional and world levels, with jurisdiction to settle disputes in both patrimonial and criminal matters involving States and private individuals and legal entities and arising from acts or measures which cause or may cause environmental damage.

72. Without prejudice to the provisions of the preceding paragraph, private persons, whether individuals or legal entities, may have recourse to the ordinary courts of any State in order to bring proceedings in respect of

public or private measures or acts which cause or may cause environmental damage.

73. States may establish voluntary arbitration mechanisms for the settlement of disputes to act on both private claims and claims involving States.

74. The international civil liability which may be assigned to a State shall be determined in accordance with international law and its purpose shall be to restore the situation to what it was prior to the occurrence of the harmful event. If this is not possible, fair compensation shall be established, without prejudice to any penal effects which may apply.

75. Judgements handed down by regional international courts shall be appealable before the world environmental court, whose judgement shall be res judicata, and they may be enforced by any means authorized by international law.

76. The domestic legislation of States shall establish mechanisms whereby private persons of any nationality, whether individuals or legal entities, may have recourse to the ordinary courts in order to bring proceedings in respect of public or private measures or acts which may cause environmental damage.

77. Such proceedings brought by private persons may be heard, as the petitioner chooses, by the courts of the State where the harmful act occurred or the State where the damage which is the subject of the proceedings occurred, and the lex loci of the proceedings shall apply.

78. States shall settle their disputes by peaceful means and may, to that end, agree to establish, inter alia, arbitration mechanisms. They shall take the necessary steps to set up the regional international courts and the world court referred to above, before which environmental disputes shall be settled without appeal.

79. The international civil liability which may be assigned to a State shall be determined in accordance with international law and its purpose shall be to restore the environment of States, or States themselves and any individuals or legal entity which have suffered damage, to the condition in which it would have been if the harmful event had not occurred. If this is not possible, fair compensation shall be paid.

80. Institutional arrangements for the application of this code shall be determined by the contracting States.

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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Letter dated 8 December 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, information on the situation in the field of environment in the Federal Republic of Yugoslavia and the ecological consequences of the sanctions against the Federal Republic of Yugoslavia.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly under agenda item 79.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

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ANNEX

The situation in the field of environment in the Federal Republic of Yugoslavia and the ecological consequences of the sanctions against that country

The United Nations Conference on Environment and Development proved to be a watershed in the understanding of the inseparability of the environment and development, the unity of nature and man and the interdependence of the world.

Important commitments were made in Brazil, which were enshrined in the principles of the Rio Declaration and a comprehensive agenda for action leading into the twenty-first century.

Yugoslavia actively contributed to the negotiations of the Rio Declaration and Agenda 21 and at Rio signed the treaties on global climate change and biodiversity, which have been submitted to the Parliament for ratification.

Sustainable development in Yugoslavia as in other developing countries is only possible with new and additional financial assistance and access to safe and environmentally sound technologies. With the imposition of the most comprehensive embargo ever implemented against any State, the implementation of commitments reached at Rio by Yugoslavia becomes impossible.

The sanctions are contrary to numerous international documents in the field of environment. They derogate one of the fundamental premises of the Conference concerning the establishment of partnership among the components of the international community, without discrimination and isolation of any country or nation.

The adverse effects of the sanctions are immeasurable, particularly the long-term and indirect ones, because environmental concerns and development issues cannot be viewed only in terms of local effects. The scope of the effects is broader and multidimensional.

By isolating Yugoslavia through the ending of almost all forms of communications, all aspects of the environment have been jeopardized, which might have extremely unfavourable consequences on the ecological, economic and social status of the population.

With sanctions in place, economic problems multiply, unemployment soars, social tensions are heightened, markets close and the transfer of technological know-how and almost all international cooperation come to a halt. Crime is on the rise. Whether consciously or not, natural resources are mercilessly wasted, even those that were under special protection. The readiness and possibilities of the society to invest in the environment are drastically reduced.

The global impacts of sanctions are mostly of a long-term nature. Pollution is likely to rise and be "exported" to other countries or vice versa. Needless to say, pollution cannot be contained within national borders.

In the wake of sanctions, cooperation in various international projects has been discontinued. International financial assistance has failed to materialize. It is estimated that 23 projects from the Federal Republic of Yugoslavia, verified at international level, would have attracted $1.5 billion in foreign investments.

The realization of many international conventions is brought into question. Yugoslavia has ratified 4[illegible]

The development of safe and clean technologies has been slowed down.

Scientific and technical cooperation has been also terminated, as well as study trips and the use of databases of many international and regional organizations (the United Nations, the United Nations Environment Programme, the Organisation for Economic Cooperation and Development, the European Community, Hexagonale, the Mediterranean project etc.). The development of technologies and environmental measures has been slowed down. The damage caused by the suspension of cooperation on many international projects is irreversible. The cooperation in the protection of the Adriatic against pollution within the Mediterranean Action Plan has ceased. The Institute of Maritime Technologies at Kotor, Montenegro, also actively participated in the project but, due to the sanctions this cooperation has been suspended. The cooperation in the prevention of marine pollution as a result of hazards at sea has also been suspended.

There has been a substantial depletion of the country's natural resources (exploitation of ore, water, forests, land), with consequences that exceed local concerns and that can accelerate global changes of environment (climate change, depletion of the ozone layer, biological diversity). The cutting down of forests for fuelwood as a source of energy, particularly in the most affected zones and adjacent settlements, has brought about increasing emissions of pollutants into the air and water and a lasting or long-term degradation of flora and fauna. Substitution of imported fuels used in industry and homes (oil and gas) by fuels of domestic origin (coal) has resulted in increased environmental pollution. The shortage of fuel has further increased the danger of the "high risk" regime of production and maintenance with all its side effects.

Failure to obtain spare parts for installations, originating from the countries that enforce sanctions against Yugoslavia, can lead to major accidents endangering not only the facilities concerned but the region as a whole.

The system for the control and monitoring of the quality of the environment is jeopardized owing to reduced budget inflow and lack of many components for its normal functioning.

There is a serious threat of a further increase in pollution as a result of inadequate environmental protection due to the lack of imported intermediate inputs and the reduced economic capacity of enterprises. Due to the sanctions (lack of spare parts) and the ever-worsening economic situation in the country, the Djerdap hydropower plant has not been able to maintain adequately its installations and facilities for the protection of the riparian area. If the problem of their regular maintenance is not solved before next spring, 100,000 hectares of land may be flooded next year.

Furthermore, unless there is an urgent repair of the dam near Mojkovac, holding 7 tons of toxic waste in the mountains of the Yugoslav Republic of Montenegro, these substances could poison the Tara and Danube Rivers if the dam burst.

The sanctions have also created obstacles for Yugoslavia in its implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer: namely, Yugoslavia is not in a position to speed up and replace chlorofluorocarbon technologies.

The sanctions interfere with the realization of an exceptional ecological project, that is, the idea of Montenegro (one of the Yugoslav republics) becoming an ecological state.

Natural and cultural resources under the protection of the United Nations Educational, Scientific and Cultural Organization (Kotor, Durmitor, Sopocani, Studenica) have been endangered, as a result of the aggravated conditions of implementation of protective measures and the adverse effects of increased environmental pollution.

The Security Council should consider at least partial lifting of the sanctions, particularly in areas such as scientific and cultural cooperation - the right of every man to life and a sound environment should be ensured, including the realization of individual and collective human rights.

The Federal Government of Yugoslavia has been investing the utmost efforts aimed at the re-establishment of peace in the territory of the former Socialist Federal Republic of Yugoslavia in an attempt to search for solutions to the Yugoslav agony through dialogue, agreements and compromise. Every effort should be made to normalize the relations that would contribute to the success of the London Conference which created the possibility of ending the war in Bosnia and Herzegovina and eliminating uncivilized political struggle by all available means.

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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Letter dated 10 December 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter by His Excellency, Mr. Milan Panic, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly under agenda item 79.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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ANNEX

Letter from the Prime Minister of Yugoslavia addressed to the Secretary-General

I wish to ask for your kind assistance in view of initiating a gradual lifting of sanctions in the environmental field.

It can be rightfully said that sanctions imposed against the Federal Republic of Yugoslavia endanger man's inviolable right to life and health as well as the right to protect and promote his environment.

In addition to being in contravention of numerous international documents - among which is the Declaration adopted at the United Nations Conference on Environment and Development - sanctions derogate international cooperation which is indispensable and should be pursued without discrimination or isolation of any one State or nation.

Furthermore, sanctions hamper the implementation of the idea on Montenegro as an environment-conscious State, adopted by the United Nations Conference on Environment and Development. Yet, it would be unfair of me not to point out the prompt reaction of the United Nations Sanctions Committee to enable the rehabilitation of the potentially dangerous ecological problem, the pollution of the Tara River. This example illustrates that the world is not immune to the threat of catastrophes and that it is ready to help.

I therefore count on your using good offices with the Security Council so that, as a beginning, it might allow scientific and technical cooperation, and ensure chances for the implementation of numerous international conventions on the environment, as well as to lift sanctions in those areas of the ecology which are global in nature.

(Signed) Milan PANIC

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DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: FOOD AND AGRICULTURAL DEVELOPMENT

Note verbale dated 11 December 1992 from the Permanent Mission of Canada to the United Nations addressed to the Secretariat of the United Nations

On behalf of the Government of Canada, I have the honour to present herewith an addendum to Canada's submission to the report of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/47/487), submitted pursuant to General Assembly resolution 46/215.

We should be grateful if you would arrange to have the attached text circulated as an official document of the General Assembly under agenda item 78 (b).

ANNEX

Addendum to Canadian submission

With respect to paragraph 27 of document A/46/487, the Japan Fisheries Agency sent a letter to Canada on 3 September 1992 which provides a satisfactory explanation as to the 50 per cent reduction in Japanese fishing effort by 30 June 1992. Canada is fully satisfied with this statement and the cooperation shown by Japan on the drift-net issue.

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OPERATIONAL ACTIVITIES FOR DEVELOPMENT

Letter dated 11 December 1992 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the document entitled "Consensus of Dakar" (see annex), which was adopted by the OAU International Conference on Assistance to African Children, held at Dakar from 25 to 27 November 1992.

I should be grateful if you would have this document circulated as a document of the forty-seventh session of the General Assembly under agenda item 83.

(Signed) Kéba Birane CISSE

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Annex

CONSENSUS OF DAKAR

Organization of African Unity
International Conference on Assistance to African Children
25-27 November 1992

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CONSENSUS OF DAKAR

A Statement by Participants at the Organization of African Unity International Conference on Assistance to African Children, in Dakar (Senegal) 25 – 27 November 1992.

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1. We, the participants from OAU Member States, Industrial and Other Countries, African NGOs, International NGOs, United Nations Agencies, Intergovernmental Organizations, International Financial Institutions and National Committees of UNICEF have gathered in Dakar to reaffirm and further our commitment, as individual countries and collectively, to the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the Declaration and the Plan of Action of the World Summit for Children. We remain firmly committed to the concept that every child can and must have a better future. We are particularly concerned by the grave and deteriorating situation of children in conflict areas in Africa, by increasing numbers of street children, and by the suffering of handicapped children.

2. We are alarmed and concerned that 200 million people throughout the continent live in absolute poverty. Thirty million African people suffer, mainly women and children, who are victims of natural disasters, war and civil strife. At least 20 million continue to suffer as refugees and displaced persons. Over four and a half million children still die each year, largely from preventable causes. Millions more are denied adequate nutrition, rudimentary health services, clean water, proper sanitation and basic education.

3. The relative low status, lack of education and limited decision-making capacity of women in Africa diminish their opportunity to achieve adequate levels of health, nutrition, income and overall development. These disadvantages have serious consequences for the well–being of Africa's children.

4. A continuation of these conditions is not only morally repugnant but also a threat to peace, prosperity and security throughout an ever more interdependent world. Unless Africa is given additional support enabling it to address its socio-economic problems, particularly those related to children and women, negative consequences for the entire world become inevitable.

5. Recognizing the deteriorating situation and the urgent needs of Africa's children and women and the obligations set out in the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children, the Assembly of Heads of State and Government of the Organization of African Unity, in June 1991, called for the convening of an International Conference on Assistance to African Children in order to focus more attention on programmes for the survival, protection and development of children.

6. The nations of Africa have entered a period of democratic transition, of greater integration among themselves, and of increasing cooperation with the rest of the world. Positive results have come from the efforts of African countries, their bilateral and multilateral partners, NGOs and others. On the eve of the 21st century, Africa needs now to build the foundation for a more dynamic and sustainable pattern of future development.

7. We are aware of the interdependent nature of the world and recognize that the solution of Africa's underdevelopment and specific measures for addressing the problems of Africa's children, in particular, will require fundamental changes of policy by African governments and renewed commitment of the international community.

8. We firmly believe that the issues of war and peace as well as poverty and development, environmental degradation and ecological renewal are inextricably intertwined. Addressing these problems will require support at the international, continental and regional levels, as a supplement to national and local initiatives and actions.

9. We are concerned that the excruciating debt and debt-servicing burden, the deteriorating terms of trade and cumulative economic difficulties, as well as the effects of Structural Adjustment Programmes in cases where the social dimensions of adjustment have not been adequately addressed, have negatively affected the provision of the basic social needs of African women and children in many African countries. We now call for a more realistic international appreciation and understanding of the situation in Africa. National and international policies and action must harness the newly released hope and energy, translating into reality the concept of 'First Call for Children'. We therefore commit ourselves individually and collectively to the following:

I. NATIONAL PROGRAMMES OF ACTION

10. As part of their commitment to "keep the promise" to Africa's children, and as agreed in the Declaration of the World Summit for Children, the Convention on the Rights of the Child, and the OAU Resolution on the Implementation of the African Decade for Child Survival, Protection and Development, over 40 African countries have now prepared National Programmes of Action (NPAs). They draw on, and can contribute to, the New Agenda for Africa set out by the General Assembly in 1990, and Agenda 21 and the Rio Declaration agreed at the United Nations Conference for Environment and Development in 1992. They can be supported by such groups as the Global Coalition for Africa.

11. These National Programmes of Action are largely directed towards achievement of specific and measurable human goals, through intersectoral collaborative efforts, using low-cost community participatory approaches. Many African countries have already proved accelerated programmes can be achieved by these approaches. The goals cover priority needs in health, nutrition, education, water and environmental sanitation, and children in especially difficult circumstances. They recognize the vital role of women in the development process.

12. The health goals emphasize the need to reduce infant and child mortality rates by a third and to reduce by half the maternal mortality rates between the years 1990 and 2000. The health strategies give priority to increased efficiency in the use and allocation of resources and the importance of strengthening district-level health systems. The responsibility of every family and community for their own health and the catalytic role of village health committees, health workers and traditional birth attendants in supporting these efforts is recognized.

13. In the preparation of NPAs the increased spread of AIDS and tuberculosis should be countered by measures and attention within health and education.

14. Nutrition strategies are directed to reducing severe protein energy malnutrition by half and virtually eliminating key specific nutritional deficiencies. They do this by emphasizing the need to reorient national policies, improving decentralized management and administration, and developing community-based programmes with strong participation by women aimed at improving household food security. In some countries the present drought has triggered a promising response of reviving household level food production, accessibility and preservation.

15. Education strategies in the NPAs are directed towards the provision of education for all and the reduction of illiteracy by half, with special emphasis on the needs of girls, women, and other categories such as abandoned children. The measures include the removal of regional disparities in access to basic education, continued improvement in quality, focusing on the girl child, expanded access to primary schools, and improved teacher training, supervision and conditions of services.

16. To achieve the goals of access of all to clean water and sanitation by the year 2000, the NPAs give emphasis to low-cost and appropriate technologies including improved public awareness, participation of women and the community in the design and construction of water schemes, hygiene education, low-cost latrines, and the maintenance and ownership of systems.

17. Priority actions for children in difficult circumstances include the reduction of violence and aggression, improved greater community support, development of innovative mechanisms, increased public awareness, as well as peace education, a clarification and strengthening of the legal framework for child rights and equal opportunities without discrimination between boys and girls, and elimination of child labour.

18. Most NPAs recognize the vital role of women — as leaders in their societies and communities, as an economic force, and as forerunners to social change, in addition to their role as mothers. Priority actions for women focus on improved health, increased educational opportunities, appropriate technologies to reduce excessive workload, access to credit, income and employment and effective participation of women in decision-making at all levels.

II. PRIORITIES FOR IMPLEMENTATION

19. African countries have committed themselves to the implementation of their National Programmes of Action and, in doing so, have recognized and addressed human development issues as central to national development plans and programmes.

20. In order to make the implementation of National Programmes of Action broad-ranging and effective, it will be necessary to involve a wide spectrum of government agencies, national NGOs, civil organizations, women and children's organizations, professional and religious associations and many segments of the private sector. Countries will need to establish national machinery for overseeing this process, including ensuring adequate planning, implementation, monitoring and evaluation of action to achieve the NPA objectives. All such institutions represented at the Dakar Conference commit themselves to full participation in this process.

21. Recognizing that action for Africa's children and women must be part of a broader accelerated programme of development and poverty alleviation, African countries and their donor partners,

including international financial institutions, commit themselves jointly to incorporate the National Programmes of Action into their bilateral and multilateral consultative processes and development programmes. African countries further undertake to establish mechanisms for high-level political supervision and monitoring of their National Programmes of Action, and to the mobilization of their own resources to achieve their goals.

22. One possible new means for cooperation in support of National Programmes of Action is that of National Compacts for Children. National Compacts for Children would establish a moral and political commitment to provide adequate and reliable resources by all parties concerned in order to secure steady progress towards the achievement of national goals for children. A National Compact would fully take into account established bilateral and multilateral mechanisms and programmes and would indeed seek to complement them. All participants in Dakar commit themselves to explore ways of developing National Compacts for Children as a innovative mechanism for cooperation in the implementation of the National Programmes of Action.

III. CHILDREN IN DIFFICULT CIRCUMSTANCES

23. Armed conflicts have increased in Africa. The number of African countries caught up in wars and civil strife has tragically grown. Children and women have become the main victims. Moreover, many children are in difficult circumstances. These include children who are abused, exploited, disabled, orphaned, neglected, or in prison. Some are refugees, others are victims of AIDS. There is a need for urgent humanitarian assistance even during armed conflict, as well as political support for the resolution of conflicts. African countries commit themselves to this and welcome the support of donor countries. Even during these conflicts, there is a need for urgent humanitarian assistance as well as political support for the resolution of conflicts. African countries commit themselves to this and welcome the support of donor countries.

24. African countries accept and affirm that they have the primary responsibility for resolving conflicts in Africa. They have already committed themselves to "work together towards the peaceful resolution of all the conflicts on our continent" as stipulated in the Declaration adopted in 1990 by the Assembly of Heads of State and Government on the Political and Socio-Economic Situation in Africa and the Fundamental Change Taking Place in the World. In this context the prevention of the conscription of children under 15 years of age, as a principle of the Convention of the Rights of the Child, should be underlined.

25. A new effort is required to undertake political initiatives towards the resolution, management and prevention of conflicts in Africa. African countries further commit themselves to the universal application of the principles of international humanitarian law on the protection of civilian persons in times of war, through the adoption of special measures such as ensuring safe passage by children and women away from zones of conflict. Furthermore, African countries commit themselves to exert all possible influence on parties in armed conflicts to guarantee safe and free passage of humanitarian relief aid to innocent victims, especially to women and children, in particular for the establishment of 'days of tranquillity' for the rapid delivery of humanitarian assistance.

26. African countries call for global respect for the principle that the resolution of conflicts shall not be a precondition for the provision of humanitarian relief and assistance, and instead that political and humanitarian actions with regard to conflicts be taken simultaneously, while recognizing the necessity for Africa and the OAU to exert all efforts in conflict resolution as a priority.

IV. GIRL CHILDREN AND WOMEN

27. Recognizing the special needs of girl children, the special roles of women and the need for ending gender discrimination from the earliest years if girls are to be given the opportunity to reach their full potential, we commit ourselves to:

(i) Increase national and international resources to meet girls' and women's needs.
(ii) Strengthen mechanisms for the promotion of women and children to coordinate and monitor efforts for the advancement of women and the girl child.
(iii) Review and reform legal codes and legislation to remove all gender biases.
(iv) Increase the representation of women at the highest policy-making levels to ensure articulation of the needs of girls and women and to defend their interests.

28. Furthermore we commit ourselves to ensure the protection of the female child from all forms of harmful traditional practices and in particular to the elimination of such practices as female genital mutilation, and early and forced marriages.

V. MOBILIZING AND RESTRUCTURING RESOURCES

29. Implementation of the NPAs will require mobilization of additional resources in the 1990s at national and international levels.

At National Level

30. African countries commit themselves to priority action to meet basic needs of children and women. This will include:

(i) Adoption of specific goals for achieving by end-1995 a priority list of low-cost achievable goals for children and women, from the core adopted at the World Summit for Children, with special attention to those immediate and decade goals dependent primarily on social mobilization and national leadership rather than on major additional financial resources (for example, achievement by 1995 of 90 per cent measles and tetanus toxoid immunization, 80 per cent oral rehydration therapy, universal iodized salt and reduction by half of the gender gap in primary education).
(ii) The principle of first call on available resources to meet the basic needs of women and children will be carried forward by restructuring allocations of government resources to favour child survival, protection and development and to support the key goals for children and women in particular.
(iii) Reallocation within existing social sector budgets and/or a shift of resources away from non-productive uses, such as military/internal security expenditures and subsidies for inefficient parastatals.
(iv) An increase of domestic resource mobilization needs to be supported through other actions, such as national tax reform and the encouragement of community actions and contributions.

At Continental Level

31. Participants at the Dakar Conference recognize the need to complement action at national level by supportive action by African institutions including economic communities, financial institutions, non-governmental organizations and other regional development partners. The scale and complexity of action required is such that all such African institutions will need to play a role in alleviating the plight of African children.

32. Regional Economic Communities have a special potential for developing and implementing National Programmes of Action for African children, in areas of common and cross-border interests — such as desertification, and the control or elimination of such diseases as malaria, measles, poliomyelitis, tuberculosis, guinea worm, cholera and AIDS — as a complement to efforts at the national level. They can thus provide important support for National Programmes of Action and National Compacts for Children. Participants call upon the international community, research institutions, UN Agencies and NGOs to assist African countries at national, subregional and continental levels in combating these and other related diseases and practices.

At International Level

33. Donor partners and international financial institutions, in their cooperative programmes with African countries, recognize the opportunity to support the objectives and strategies developed in the National Programmes of Action. In view of the critical situation, facing African children, they commit themselves to make every effort to expand official development assistance (ODA) and promote debt cancellation or relief for African countries, especially in support of African actions directed at child survival, protection and development, in line with the goals of the World Summit for Children. To this end, particular support should be extended to the Least Developed African countries.

34. African countries and their donor country partners commit themselves to encourage the international financial institutions and development institutions to give greater priority to Africa's overall development in their assistance programmes and, in particular, to provide greater levels of support for development to meet priority human needs.

35. Donor and international financial institutions also commit themselves to:

(i) Explore short-, medium- and long-term commitments of resources to support health, nutrition, basic education, water and sanitation as set out in specific sector(s) and subsector(s) of National Programmes of Action.

(ii) Increase and sustain the share of ODA commitment to social priority sectors by 1995 in line with increasing commitments by African countries to sectors such as basic education, primary health care, low-cost water and sanitation systems, responsible parenthood and family planning, nutrition programmes, bearing in mind the level of 20% of total ODA for these sectors, recommended in UNDP's *Human Development Report* for 1992.

(iii) Take into account human indicators in the allocation of resources at bilateral and multilateral negotiations.

(iv) Formulate debt relief and conversion schemes in ways that make possible increased budget allocations and renewed economic growth, with at least part of the benefits being used to advance programmes for children. 'Debt relief for children' including debt swaps for investment in social development programmes have been used on a small but encouraging scale since the World Summit for Children and should now be much more actively considered by debtors and creditors. Such schemes should be considered on a case-by-case basis reflecting the macroeconomic conditions of the country concerned.

(v) Increase support for regional, national and local research, technology and adaption in favour of child-oriented programmes.

(vi) Support those catalytic areas of social sector development identified in the illustrative programme approaches.

36. Participants noted the following proposals to enhance Africa's capacity to mobilize resources for the implementation of social programmes in the 1990s:

(i) The cancellation of the major portion of foreign debt.

(ii) The freeing of aid for children from conditionality linked to political considerations.
(iii) The removal or softening of cost recovery requirements with respect to primary health care and basic education.
(iv) The increase of assistance to child refugees and AIDS orphans.

VI. GOALS AND TARGETS

37. The National Programmes of Action contain overall goals for child survival, development and protection that derive from those articulated at the World Summit for Children. From among those goals, the countries of Africa pledge at this Dakar Conference to attain a set of intermediate targets by the end of 1995. These are to:

(i) Raise Africa's average immunization coverage level from the 75 per cent achieved for the Universal Child Immunization (UCI) effort to 80 per cent against diphtheria, pertussis, tetanus, poliomyelitis and tuberculosis.
(ii) Ensure 90 per cent of coverage against measles, by far the most lethal of the vaccine-preventable diseases, and of tetanus toxoid for women of child-bearing age.
(iii) Achieve 80 per cent usage of oral rehydration therapy in order to prevent dehydration caused by diarrhoea.
(iv) Virtually eliminate iodine deficiency disorders.
(v) Virtually eliminate vitamin A deficiency and its consequences.
(vi) Encourage exclusive breastfeeding for four to six months and sustain breastfeeding for up to two years of age and beyond, with complementary foods beginning at four to six months.

38. The above goals are for the most part low cost, thus within the capacity of virtually every country in Africa with a modest level of external support. Their achievement depends primarily on a strong political commitment at the highest level and widespread social mobilization within families and communities.

39. Five of the major goals will require in most countries sustained action over a longer period and greater resource mobilization for their full achievement. These are therefore focused on the year 2000 and include:

(i) Ensuring universal access to basic education, and achievement of primary education by at least 80 per cent of primary school age children, with special attention to the enrolment of girls.
(ii) Reducing severe protein energy malnutrition by half and the achievement of household food security.
(iii) Achieving universal access to clean water and safe excreta disposal in all communities, urban and rural.
(iv) Reducing infant and under-five mortality by one third.
(v) Reducing maternal mortality by half.
(vi) Reducing the number and alleviating the suffering of children in especially difficult circumstances including special support for disabled and orphaned children, and protection of children against all forms of abuse, neglect and exploitation including exploitative work circumstances.
(vii) Ensuring ratification in all African countries of the Convention on the Rights of the Child, as well as legislation incorporating its provisions in national statutes.

40. Mobilization of additional resources will be needed towards their most basic goals. African governments and donor governments commit themselves to renewed efforts to achieve this. Any delay in postponing the achievement of their goals also postpones the achievement of many other gains in human

welfare and development dependent on them, notably increasing well-being among children and women, reducing population growth and accelerating moves to more rapid and sustainable economic development.

41. The NPAs can be used to carry forward action towards that these goals in several ways. They need to be translated into district and village or urban programmes of practical action to ensure their implementation at a decentralized level. The NPAs can also be used in Consultative Groups or Round-table meetings to help mobilize international support for national action towards the goals.

VII. MONITORING AND FOLLOW-UP

42. The participants at the Dakar Conference recognize the need for capacity-building and action-oriented follow-up mechanisms at national, subregional, regional, continental and international levels to implement the commitments of the Dakar Conference. To this end, the participants request the Secretary-General of the Organization of African Unity to assume the leadership role in the implementation of the Dakar Consensus, with the support of UNICEF, the Economic Commission for Africa, the African Development Bank and other relevant organizations to assess, monitor and report regularly to the OAU Assembly of Heads of State and Government on actions taken at national, subregional, regional and international levels to further social and human development in Africa.

43. In this regard, we call for the establishment of a continental follow-up mechanism under the auspices of the OAU, with the support of UNICEF, ECA, ADB and all other UN agencies. This mechanism will monitor, review and appraise the overall formulation and implementation of National Programmes of Action and submit progress reports to the Assembly of Heads and Government of the Organization of African Unity.

44. We also call upon the Secretary-General of the Organization of African Unity to present the Consensus of Dakar to the Twenty-Ninth Assembly of Heads of State and Government for endorsement and further call upon the Secretary-General of the United Nations to report on the follow-up to the Conference as part of his report to the General Assembly on the follow up to the World Summit for Children.

VIII. COMMITMENT

45. Progress for Africa's children requires political action at the highest level, within Africa and within the international community. We are determined to take that action. The Dakar Conference has provided a new commitment and a new opportunity for building country-by-country on National Programmes of Action for Children. We recognize the vital need for rebuilding the human foundations of Africa to provide a basis for economic and social development in the 21st century. As we leave Dakar, we urge individuals, governments, organizations and community groups in Africa and beyond to take up the challenge, to help Africa respond to the needs of its children and, in so doing, guarantee a better future for Africa's children in this century and beyond.

27 November 1992